

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Rodney Walker,

Civil No. 08-1412 (RHK/JSM)

Petitioner,

ORDER

v.

Dwight Fondren,

Respondent.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated September 4, 2009. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and upon all of the files, records and proceedings herein, **IT IS ORDERED:**

1. The Report and Recommendation (Doc. No. 9) is **ADOPTED**;
2. Petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 (Doc. No. 1) is **DENIED**; and
3. This action is **DISMISSED WITH PREJUDICE**.

Dated: October 5, 2009

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge